

## REPORT OF THE JOINT GOVERNMENTAL OPERATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY MEETING

*Tuesday, December 11, 2007*

**The Justice and Public Safety Subcommittee received the following reports:**

### Administrative Office of the Courts (AOC)

- **Allocation of Assistant District Attorney Positions:** The Subcommittee received AOC's report on the allocation of the 30 Assistant District Attorney positions provided in the FY 2007-08 budget. The budget bill, S.L. 2007-323 included a provision, Section 14.14(b), directing AOC to report on the allocation of these positions to the various prosecutorial districts around the state.
- **State Matching Funds:** S.L. 2007-323, Sec. 14.2, authorizes AOC to use up to \$1.5 million for state matching funds needed to receive federal grants. AOC reported on the allocation of \$1,315,508 as the state matching funds for 24 federal grants totaling \$4,484, 437.
- **Conversion of Contractual Positions:** S.L. 2007-393 authorizes the Director of the AOC to convert contractual positions to permanent, after consultation with the Joint Legislative Commission on Governmental Operations, when it is determined to be in the best interest of the Judicial Department. The Department is requesting to convert five (5) Guardian ad Litem (GAL) contract attorney positions into five (5) GAL staff attorney positions to serve Durham and Mecklenburg Counties.
- **Redistribution of Mediation Funding:** The Mediation Network of North Carolina reported on the redistribution of \$171,127 appropriated for dispute settlement centers that are no longer operating in four (4) counties: Johnston, McDowell, Polk, and Rutherford. The Mediation Network intends to redistribute the \$109,687 to centers in Chatham, Watauga, and Henderson Counties, which will now provide services to clients in the counties previously served by the centers that are no longer operating. The balance, \$61, 440, will be distributed on a pro rata basis to the other 21 centers that are part of the Mediation Network. Subcommittee members questioned the methodology used to determine the proposed redistribution. Specifically, members had concerns about how the workloads of the individual centers were factored into the proposed reallocation formula.

*The Subcommittee took no action on the report on the redistribution of mediation funding and requested that further consideration of this topic be deferred pending the receipt of the Mediation Network's annual report due February 2008.*

**The Subcommittee accepted and recommended for transmittal to full Governmental Operations the three (3) AOC reports regarding 1) the allocation of ADA positions; 2) state matching funds; and 3) the conversion of contractual positions.**

Department of Correction (DOC)

- **State Matching Funds for Prisoner Reentry Project:** Correction is required by HB 1473 to report to the Joint Commission on Governmental Operations prior to using available funds to match grants. Correction reported that they have been awarded a grant from the U.S. Department of Justice to expand prison and community based offender reentry programs. The funding will target 250 high risk offenders and provide a variety of employment and training services. The federal amount is \$450,000. Correction is required to provide a grant match of \$150,000.
- **Jail Backlog Report:** Correction is required by HB 1473 to report quarterly on the expenditure of funds to reimburse counties for housing prisoners awaiting transfer to state prison. By statute, DOC is required to reimburse counties when a state inmate is ready for transfer and a prison bed is not available. HB 1473 requires DOC to pay counties at the rate of \$40 a day. Correction reported that it expended \$637,120 from July through September 2007 and projects an expenditure of \$2.6 million for FY 2007-08. The amount varies each year depending on the state's prison bed capacity.

**The Subcommittee accepted the DOC reports and recommended transmittal to full Governmental Operations.**

Department of Crime Control and Public Safety (CCPS)

- **NC Boxing Authority Fee Proposal:** The Alcohol Law Enforcement Division (ALE) is now responsible for the regulation of mixed martial arts events (S.L. 2007-490). The authorizing legislation included a range for permit fees that event promoters will be charged per event. The Department states that it will be difficult to charge the fees as structured. The Department reported to inform the JPS Subcommittee about the Department's request for a change to the administrative code to allow the Department to simplify the permit fee structure by charging the highest fee amount (\$150) for all events. This will also help the Department to generate additional revenue to offset the operating cost of this program.

- **ALE Request to Use Forfeiture Receipts:** The Subcommittee considered a request from the Alcohol Law Enforcement Division to use Federal Forfeiture receipt funds (\$524,724) for computer, radio, office equipment and training for the Division's staff. After this expenditure, the Division's account balance will be \$2,219,345.69.
- **Highway Patrol Request to Use Forfeiture Receipts:** The Subcommittee considered a request from the State Highway Patrol to use Federal Forfeiture funds (\$428,121) to purchase 100 portable radios and accessories. After this expenditure, the Division's account balance will be \$1,516,157.

**The Subcommittee accepted the CCPS reports and recommended transmittal to full Governmental Operations.**

Department of Justice (DOJ)

- **Report on Pending Lawsuits:** The Subcommittee received a report on cases challenging the constitutionality of state law, pending cases seeking \$1,000,000 or more in damages, and settlements of litigation or potential litigation for \$75,000 or more.
- **Report on Settlement Agreements:** The Subcommittee received a report on the settlement agreements between the State and :
 

▪ Brunswick Cove Inc./Brunswick Cover Nursing Center	\$178,594
▪ Perdue Frederick/Perdue Pharma	\$6.42 million
▪ CD Litigation	\$2.15 million
- **Requests to Use Forfeiture Receipts and Assets:** The Subcommittee considered a request from the SBI to use forfeiture receipts for training/accreditation costs and to purchase equipment such as computer software, digital cameras and telephone systems.

**The Subcommittee accepted the DOJ reports and recommended transmittal to full Governmental Operations.**